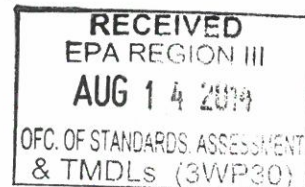


122 Penn Avenue  
Telford, Pennsylvania 18969-1912  
Phone (215) 723-5000 Fax (215) 723-5328

August 12, 2014



Mr. Jon Capacasa  
Director  
Water Protection Division  
EPA Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029

**RE: Identification of Ecological Impairment Threshold(s) Used in the Indian Creek TMDL**

Dear Mr. Capacasa:

On behalf of the Telford Borough Authority ("Telford"), I submit the following request for clarification concerning EPA's nutrient and sediment TMDL for Indian Creek in Southeastern, Pennsylvania. As you are aware, the requirements set forth in the TMDL will impose a major financial hardship on Telford and the other communities and authorities located in the watershed. Therefore, before accepting these limits, Telford has understandably made fervent efforts to confirm the need for the proposed stringent phosphorus limitations.

While Telford and EPA remain at odds regarding the need for and appropriateness of the TMDL, the parties have had productive discussions regarding other, less costly alternatives to achieving the goals of the TMDL. As part of these discussions, Telford has conveyed its willingness to participate in a watershed restoration plan, whereby Telford and the other affected municipal entities would voluntarily take measures designed to improve the ecological conditions in Indian Creek. However, in order to develop a comprehensive plan, Telford must have confirmation that the plan is designed to alleviate the specific concerns (parameters) EPA associates with a nutrient-related impairment. Stated differently, to determine if sufficient ecological improvement has occurred, Telford must know what ecological impairment thresholds were used by EPA to derive the phosphorus targets used in the TMDL. While EPA must have determined this as part of choosing the necessary phosphorus limits in the TMDL, to date, despite repeated requests, EPA has yet to provide such clarification. Accordingly, Telford renews its request to have EPA plainly respond to the following questions which will allow Telford to ensure that it has developed an appropriate watershed protection plan:

- (1) What are the aquatic life and/or excessive plant growth impairment thresholds (quantitative ecological targets for invertebrates and plant growth) that served as the basis for deriving the nutrient endpoint used in the TMDL?<sup>1</sup>
- (2) What non-nutrient, chemical impairment thresholds did EPA use to assess compliance with Pennsylvania's narrative criteria in the Indian Creek TMDL?
- (3) As Telford's watershed restoration plan intends to eliminate "nuisance plant growth" (an issue recent raised by EPA) and ensure compliance with applicable DO/pH criteria, what instream plant growth level did EPA use in setting the TMDL to (a) eliminate nuisance algal growth and (b) achieve the DO/pH numeric criteria?

In order to proceed with any type of cooperative watershed approach, Telford needs EPA's input and response on these issues. Thank you for your prompt attention to this request.

Very truly yours,



Mark D. Fournier

cc: Chris Day  
Amanda Shafer Berman  
Senator Bob Casey  
Senator Pat Toomey  
Congressman Mike Fitzpatrick

---

<sup>1</sup> This is not explained in either the original or revised endpoint report.